



FILED

07-07-06
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Nicki Michaels & Susan Shalit,

Complainants,

vs.

PG&E,

Defendant.

Case 06-06-021
(Filed June 21, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING CONTENTS OF ANSWER, SETTING
PREHEARING CONFERENCE AND
DIRECTING PARTIES TO MEET AND CONFER**

Contents of Answer

The Complaint alleges, in essence, that a new utility pole, which has been installed as part of an undergrounding project on the 1400 block of Duncan Street in San Francisco, California, obstructs Complainants' view and will reduce the fair market value of their homes. Complainants propose two alternative remedies, but prefer the first:

- (1) Lowering the height of the new pole to the height of the existing pole that is closest to it (to the north of it), and requiring that the cross bars, wires, transformers, etc., hang no higher on the new pole than the height of the cross bars, wires and transformers on the existing pole.
- (2) If (1) is not possible, then requiring that the cross bars, wires, transformers, etc., hang no higher on the new pole than the

height of the cross bars, wires and transformers on the existing pole.

The Complaint suggests that the new pole is intended to be a permanent fixture, and not a temporary structure, and suggests that once the undergrounding project has been completed, the new pole will support a number of cross bars, wires and transformers, just as the existing pole does.

This ruling directs Defendant to ensure its Answer addresses the following:

- (1) Whether, in fact, the new pole is intended to be permanent.
- (2) If the new pole is intended to be permanent,
 - (a) the purpose the new pole serves in the undergrounding project (e.g., what infrastructure is being undergrounded and what is not; the need for the pole; any alternatives);
 - (b) the authority that governs or mandates the new pole's design, height, and location;
 - (c) the authority that governs or mandates the height of any infrastructure hung from the new pole; and
 - (d) the anticipated date that defendant (or others) will begin hanging cross bars, wires and transformers from the new pole.

Prehearing Conference

A prehearing conference (PHC) is set as follows:

Friday, July 28, 2006, 9:00 a.m.
Commission Hearing Room
505 Van Ness Avenue
San Francisco, CA 94102

I recognize that Defendant's Answer is not due until July 28, which is 30 days from the date the Commission's Docket Office mailed Instructions to Answer and the same day the prehearing conference (PHC) will be held.

Defendant should be prepared to address the matters identified above at the PHC. I have set the PHC on July 28 because Complainants' seek expedited review, asserting that since cross bars, wires and transformers have not been hung from the new pole (or had not been hung as of the date the Complaint was tendered for filing), a window of opportunity exists to consider alternatives that will not impair their views.

Meet and Confer Prior to PHC

Complainants, or their authorized representatives, and Defendant are directed to meet and confer in good faith before the PHC to explore concerns and to investigate whether they can reach an informal resolution of this matter. Defendant shall initiate contact, by telephone or email (at the telephone numbers or email addressed supplied in the Complaint), as soon as practicable after issuance of this ruling.

IT IS RULED that:

1. Defendant's Answer shall address, with particularity, the issues identified in the body of this ruling and Defendant shall be prepared to discuss these issues at the Prehearing Conference (PHC).
2. A PHC is set at the time and place indicated herein.
3. Authorized representatives of each party shall meet and confer in good faith prior to the PHC, as directed herein, and Defendant shall initiate the contact.

Dated July 7, 2006, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated July 7, 2006, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

SERVICE LIST IN CASE 06-06-021

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